



Briefing

Criminal Records Bureau: Checks for workers and volunteers in services providing housing related support

Updated July 2009

Introduction

Providers of housing related support services funded by local authorities are required to have staff and volunteers checked by the Criminal Records Bureau (CRB) where this is a statutory requirement. This briefing summarises the requirements of the CRB.

The CRB, an executive agency of the Home Office, runs a checking service on the confidential and criminal records of those applying to work with children and vulnerable adults. The Police Act 1997 made provision for these disclosures and there are additional definitions provided in later regulations and in the Rehabilitation of Offenders Act 1974 and its accompanying regulations. This briefing focuses on work with vulnerable adults, but supported housing services where workers may have unsupervised access to children are also covered.

Who is affected?

The Police Act describes “working with” vulnerable adults as being involved in regularly caring for, training, supervising or being in sole charge of them. The Exceptions Order to the Rehabilitation of Offenders Act states that contact with the vulnerable person must be part of the normal duties of the worker or volunteer. When deciding who in the organisation should be subject to checks, the basic question to ask may be who can use their position to get access to the vulnerable client.

The revised Quality Assessment Framework (QAF) used for monitoring housing related support services outlines services of four types where child protection concerns might occur. These are:

- Services where children are known to live
- Services where children may live
- Services where children may visit
- Services where children neither live or visit but clients may have access to children.

Definition of a vulnerable adult

The regulations to the Police Act give the following three part definition of a vulnerable adult. A person must be aged 18 or over receiving services of a type listed in paragraph A, and because of having a condition of a type listed in paragraph B, has a disability of a type listed in paragraph C. These lists are as follows:

A. Services:

- a) accommodation and nursing or personal care in a care home
- b) personal care or support to live independently in their own home
- c) any services provided by an independent hospital, clinic, medical agency or NHS body
- d) social care services, or
- e) any services provided in an establishment catering for a person with learning difficulties.

B. Conditions:

- a) a learning or physical disability
- b) a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs, or
- c) a reduction in physical or mental capacity.

C. Disabilities:

- a) a dependency on others to assist with or perform basic physical functions
- b) severe impairment in the ability to communicate with others
- c) impairment in a person's ability to protect themselves from assault, abuse or neglect.

The Exceptions Order to the Rehabilitation of Offenders Act defines a vulnerable adult as: "A person aged 18 or over who has a condition of the following type

- i) a substantial learning or physical disability
- ii) a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs, or
- iii) a significant reduction in physical or mental capacity."

These definitions cover the client groups in the supported housing sector. However even those projects that provide services for clients where not all have an identified condition, such as hostels for homeless people, are required by the local authorities commissioning housing related support services to have checks carried out on their staff on the basis that they may occasionally work with vulnerable clients.

Levels of checks

The regulations referred to above require an **enhanced** disclosure to be obtained for people working with vulnerable adults, as defined above, and came into effect from March 2002. Enhanced disclosures include: details of convictions, including spent convictions, cautions, reprimands and warnings recorded by the police at national level; information from local police records including relevant non-conviction information; and checks on the Departments of Health and Education & Employment lists of people barred from working with the vulnerable. Because of the sensitive nature of this information enhanced checks can only be obtained by organisations registered with the CRB who have signed up to their Code of Practice on the handling and use of this information.

Standard checks are similar to the above but exclude local police information and can also only be obtained by registered bodies. **Basic** checks can be obtained by any individual about themselves only, and show only unspent convictions held at national level.

There is a fee for checks, except for volunteers for whom there is no charge. Umbrella bodies may make an additional charge to cover the cost of their administration.

CRB Code of Practice

An organisation wishing to get standard or enhanced disclosures from the CRB must either register with them or go through an umbrella body which is registered with them. They must adopt policies and procedures which ensure compliance with the Code of Practice. This covers the use, handling, access to and storage of the information obtained. The Code of Practice can be viewed on the CRB's website on disclosure – www.crb.gov.uk

Umbrella bodies have to ensure that all organisations using their services have policies which ensure compliance. Some provide model policies but an organisation should ensure that these are integrated with their own personnel policies.

When to make a check

Recruitment information should make clear where checks will be made on applicants prior to appointment and that offers will be subject to satisfactory CRB checks, as well as the usual references. For existing staff, including those appointed before the requirements were introduced, the organisation needs to introduce checks and establish at what intervals re-checks will be made. The expectations of the QAF are that these re-checks will be carried out at least every three years.

Further information

For further information, contact the CRB, website www.crb.gov.uk